

narrower recitation of polyamide repeating units as originally elected. It is respectfully submitted that Applicant cannot be forced to adhere to originally claimed invention and the original election of species requirement when the claims as originally filed and upon which the restriction requirement was based did not properly describe the invention.

Applicant believes that some of the confusion about the species of the invention arises from the fact that the claims as originally filed did not accurately claim the invention as described in the specification. Applicant merely attempted to address this in the Amendment filed on March 18, 2003. Claim 12 as originally filed recited polyamide repeating units *or* functional diamine *or* triamine units for R<sub>1</sub>. Applicant believes that the Examiner thought that she was giving an election of species requirement for an invention which includes either polyamide repeating units alone, or functional diamine units alone, or functional triamine units alone. However, if one looks at the specification, other than at page 3, lines 5 – 21, and page 15, line 15 through page 6, line 10, which are exact replicas of the words in the claim as originally filed, one can see that the specification provides antecedent basis only for a description of a reactant polyamide, either alone or in combination with a functional diamine or triamine compound, or with a functional chain extender compound. See page 1, lines 10 and 11, which describe incorporating a functional chemical group into the backbone of a *reactant polyamide*. See also page 4, lines 9 – 25, which describe contacting a *reactant polyamide* with a *functional diamine or triamine compound* and a chain extender compound, or contacting the *reactant polyamide* with a *functional chain extender compound* with or without the functional diamine or triamine compound. See also page 9, lines 11 – 12, which state “and, if used, a functional diamine and/or triamine” and page 11, lines 25 – 28, which state “the reactant polyamide, optionally present functional diamine or triamine...”. In addition, all six Examples call for the use of nylon as the reactant polyamide. All of the foregoing descriptions call for a polyamide repeating unit with either a functional diamine or triamine, or with a functional chain extender compound. There is no description in the specification for the use of a functional diamine alone or a functional triamine alone, other than the exact replicas of the claims above as noted. Thus, the invention as described in claim 12 as originally written must be interpreted to always include polyamide repeating units, whether with functional diamine or triamine units or not. Applicants believe that their election of polyamide repeating units for R<sub>1</sub> is completely consonant with the current recitation in claim 12 of polyamide repeating units and functional amine units. The elected invention encompasses either polyamide repeating units and functional amine units as recited in claim 12, or polyamide repeating units alone as recited in claim 19. Both claims

12 and 19 read on the elected species of polyamide repeating units. Thus, examination of claims 12, 13 and 15 – 20 is respectfully requested.

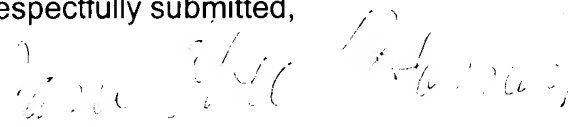
The Examiner's observation that the claims are not readable on the elected invention because they are not longer drawn to the elected invention  $R_2$  is not fully understood. Claim 12 as originally filed recited polyamide chain extender moieties ( $R_2$ ), each independently selected from the group consisting of optionally functionalized bis-N-acyl bislactam moieties. It is not clear to Applicant why bis-N-acyl bislactam moieties is a different invention than bis-N-acyl bis-caprolactam compounds and mixtures thereof. Claim 12 is simply directed to the generic recitation of the moieties, and bis-N-acyl bis-caprolactam compounds and mixtures thereof is simply a species thereof. Claim 12 still reads on the elected species bis-N-acyl bis-caprolactam compounds and mixtures thereof. It is respectfully submitted that this objection is improper with respect to  $R_2$  and should be withdrawn.

As noted above, claim 19 recites polyamide repeating units ( $R_1$ ) and polyamide chain extender moieties ( $R_2$ ), each independently selected from the group consisting of functionalized bis-N-acyl bislactam moieties. It is respectfully submitted that claim 19, and claim 20, which depends thereon, read on the elected invention of polyamide repeating units for  $R_1$  and bis-N-acyl bis-caprolactam compounds and mixtures thereof for  $R_2$ . However, if the Examiner persists in her objection to claims 12, 13 and 15 – 20, Applicant requests at least examination of claims 19 and 20.

The period for response to the Office Action of June 12, 2003 has been extended by two months with a Petition for Extension of Time, filed concurrently herewith. Should the fee designated with the Petition for Extension of Time be incorrect, please debit or credit Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company). Should an additional extension of time be required, the Examiner is authorized to take such additional extension of time and charge Deposit Account No. 04-1928 for it.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

  
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